

CERTIFIED COPY

10206 1/4/2008 00099



07-2-12633-8 28925114 DCLR 01-04-08

IN COUNTY CLERK'S OFFICE
A.M. JAN 04 2008 P.M.
PIERCE COUNTY, WASHINGTON
BY KEVIN STOCK, County Clerk DEPUTY

Judge D. Gary Steiner
Department 10

STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

DOUGLAS TOBIN, NO. 07-2-12633-9
Plaintiff,
v.
STATE OF WASHINGTON and DECLARATION OF PATRICIA C.
PIERCE COUNTY,
Defendants.

I, Patricia C. Fetterly, make the following declaration under penalty of perjury:

I am attorney for defendant State of Washington in this lawsuit. My business address is 7141 Clearwater Dr. S.W., P.O. Box 40126, Olympia, Washington 98504-0126. Attached hereto and incorporated herein as Exhibit A is a true and correct copy of the tort claim filed by plaintiff Douglas Tobin that preceded the filing of this lawsuit.

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DECLARATION OF PATRICIA C.
FETTERLY

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Clearwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

10206 1/4/2008 00100

Signed under penalty of perjury under the laws of the State of Washington at
Tumwater, Washington this 6 day of December 2007.

PATRICIA C. FETTERLY WSBA #8425

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STATE OF WASHINGTON, County of Pierce
ss: I, Kevin Stock, Clerk of the above
entitled Court, do hereby certify that this
foregoing instrument is a true and correct
copy of the original now on file in my office.
IN WITNESS WHEREOF, I hereunto set my
hand and the Seal of said County this
22nd day of September, 2001.

**DECLARATION OF PATRICIA C.
FETTERLY**

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ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300.

18286 1/4/2008 80101

PROOF OF SERVICE

I certify that I caused to be served a copy of this document on all parties or their counsel of record on the date below as follows:

US Mail Postage Prepaid via Consolidated Mail Service

ABC/Legal Messenger

State Campus Delivery

Hand delivered by

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 3rd day of January, 2008 at Tumwater, WA.

Laurel B. DeForest
LAUREL B. DeFOREST

**DECLARATION OF PATRICIA C.
FETTERLY**

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ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

10286 1/4/2008 00102

STANDARD TORT CLAIM FORM
General Liability Claim Form #SF 210

Pursuant to Chapter 4.92 RCW, this form is for filing a tort claim against the State of Washington. Information requested on this form is required by RCW 4.92.100 and may be subject to public disclosure. Claims involving accidents with vehicles operated by state employees should be filed on a Standard Vehicle Accident Claim Form (SF 138), not this form. Claim forms cannot be submitted electronically (via e-mail or fax).

For Official Use Only

RECEIVED BY STATE OF WASHINGTON - DEPARTMENT OF FINANCIAL MANAGEMENT

No.

Mail or deliver original claim to:
 Office of Financial Management
 Risk Management Division
 300 General Administration Building
 Post Office Box 41027, MS. 41027
 Olympia, Washington 98504-1027

CLAIMANT INFORMATION

1. Claimant's name:

TOBIN DOUGLAS, JOHN MARTIN,
 Last name First Middle Date of birth (month/day/yyyy)

2. Current residential address: 2321 Dayton Airport Rd. P.O. BOX 900

3. Mailing address (if different): _____

4. Residential address for six months prior to the date of the incident (if different from current address): _____

5. Claimant's daytime telephone number: _____ Home _____ Business _____

6. Claimant's e-mail address: _____

INCIDENT INFORMATION7. Date of the incident December 10, 2003 Time: 8:27 a.m. p.m. (check one)
 (month/day/year)8. If the incident occurred over a period of time, date of first and last occurrences:
 from from Time: a.m. p.m. (check one) to Time: a.m. p.m. (check one)
 (month/day/year) (month/day/year)9. Location of incident: Pierce County/Vashon Island.
 State and county _____ City, if applicable _____ Place where occurred _____

10. If the incident occurred on a street or highway:

Name of street or highway	Nearest post number	At the intersection with or nearest intersecting street
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11. State agency or department alleged responsible for damage/injury:

Pierce County Prosecutors Office.12. Names, addresses and telephone numbers of all persons involved in or witness to this incident:
Honorable Judge John A. McCarthy, Pierce County Prosecutor Tom L. Mooren Allen Rassler, Attorney, and Douglas Tobin**EXHIBIT** A

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13. Names, addresses and telephone numbers of all state employees having knowledge about this incident:
JUDGE JOHN A. McCARTHY, 930 Tacoma Ave. S. RM 215, Tacoma, WA.
(253) 798-7571.. Tom L. Moore. (253) 798-7400 (address same as judge)

14. Names, addresses and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

The Attached Pages of Seized Items by the State of Washington
Where Ordered Returned to Douglas John/Martin Tobin. And the
State of Washington has not complied with the Court Order.
See Attached Order of December 10, 2003.

16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom?

The incident was done by the State of Washington.
And was Reported to Prosecutor Tom L. Moore.

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and bills.

18. Please attach documents which support the claim's allegations.

19. I claim damages from the State of Washington in the sum of \$491,400.00

The Claimant must sign this claim form unless he or she is incapacitated, a minor, or a nonresident of the state, in which case it may be signed on behalf of the Claimant by any relative, attorney, or agent representing the Claimant.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature of Claimant

Date and place (residential address, city and county)

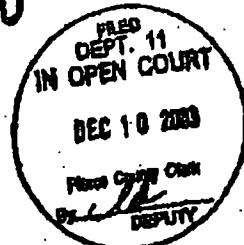
10206 1/4/2008 08184

01/12/2008 10:21 FAX 263 7309

PIERCE COUNTY PROSECUTOR'S OFFICE

20026 12/11/2002 08027

ORIGINAL

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5
6 SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

7 STATE OF WASHINGTON,

8 Plaintiff, CAUSE NO. 02-1-05810-0

9 vs.
10 DOUGLAS JOHN MARTIN TOBIN,STIPULATION ON FORFEITURE OF
11 PROPERTY
12 Defendant.

The State of Washington represented by Deputy Prosecutor Tom L. Moore and the defendant DOUGLAS JOHN MARTIN TOBIN represented by Attorney Alton Rester enter into the following stipulation regarding the forfeiture of property, seized pursuant to a series of search warrants served on March 15th, 2002. The defendant was originally served with a Notice of Seizure and Intent to Forfeit Property on March 22nd, 2002, under cause number 02-1-01236-3. The State subsequently filed an Amended Information under this cause number charging the defendant with Leading Organized Crime.

The State and the Defendant reach the following agreement:

The State will release to the defendant or his representative:

One pair of binoculars

1/7/02 \$850.00 seized from the defendant's person

The State's lien on a 1969 Chevrolet Nova, license CV3982

The State's hold on two bank accounts located at Bank of America, Pigeon Washington, #16492503 and #70438401

Personal property found on the boat Typhoon to include, medicine bag, clothes, etc.

The rest of the property seized by the State will become the property of the State of Washington, Department of Fish and Wildlife, Statewide Enforcement Program. This includes all property listed in the (Attached) Notice of Intent to Forfeit, except that listed above, and any other property seized listed or not, to include: electronics on the boats seized, commercial fishing gear, and weapons.

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scrapbook

Office of the Prosecuting Attorney
100 Second Avenue South, Room 204
Tacoma, Washington 98403-2177
Main Office (253) 509-4000

10206 1/4/2008 00105

JAN-14-2004 WED 10:23 AM 404 N 5TH MILL CREEK WA 98338-24
01/12/2004 10:21 PAX 253 798 7308 PIERCE COUNTY PROS ATTY

F. US
Wade

28826 13/11/2008 88538

1 John L. Moore, DPA #17542

2 Allen Rausch, Attorney for Defendant

3 Douglas John Martin Tobin

4
5 COURT ORDER
6 The Court being fully advised in this matter and having reviewed the Stipulation
7 of the Parties.

8 NOW HEREOF

9 ORDERS that the property listed above shall be forfeited to the State of Washington,
10 Department of Fish and Wildlife, Statewide Enforcement Program, except that property that by
11 Stipulation is to be returned to the defendant.

12 DONE IN OPEN COURT this 11 day of December, 2003.

13 *John A. McCarthy*
14 Judge, John A. McCarthy

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Office of the Prosecuting Attorney
107 Thomas Avenue South, Room 505
Tumwater, Washington 98501-3171
Main Office: (360) 752-3110

18286 1/4/2008 00106

PERSONAL INVENTORY SEIZED BY THE STATE OF WASHINGTON
FROM DOUGLAS JOHN MARTIN TOBIN.

INVENTORY LIST OF ITEMS SEIZED BY STATE OF WASHINGTON
AND NOT RETURNED PURSUANT COURT ORDER.

ITEM	VALUE OF ITEM
2 each. Turq Blue Sleeping Bags.	900.00
2 each. Blu/Blk Coleman Sleeping Bages.	300.00
2 each. Red/White pillows.	200.00
1 each. Quilted Bed Spread	400.00
1 each. Dark red/blue quilt.	400.00
1 each. Green blanket.	60.00
2 each. Tribal Quilts.	600.00
7 each. Pillows miscellaneous.	210.00
2 each. Bedroom pillows.	180.00
1 each. Shave Kit.	300.00
1 pair. Columbia Boots.	80.00
3 each. Coats.	600.00
2 pairs. Pants.	120.00
5 each. Shirts	150.00
10 each. Hats miscellaneous.	150.00
1 each. Colt Brown Shoes.	400.00
1 each. Coffee Maker/tea pot.	100.00
2 each. Bib Coveralls.	340.00
1 each. Outback Jacket.	300.00
2 each. Eagle Feathers. (blessed by elders priceless)	100.000.00
1 each. Medicine Bag. (gift from elders priceless)	100.000.00
100 each. Movies VHS/DISC	1.200.00
1 each. Glass case.	1.700.00
1 each. Bird Guide Book.	140.00
1 each. Garman GPS map 220 Plotter.	1.500.00
1 set. Marine Log Sheet (can't be replaced) needs to be re-created or found for Maritime Law, and Maritime use.	100.000.00

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Miscellaneous Personal Papers, need to be Found and Returned.

1 each. Celluar Phone.	500.00
7 each. Maritime Charts.	1,500.00
1 each. Vessel Registrations.	10,000.00
Several. Dive Logs needs to be replaced.	50,000.00
1 each. Video Camera.	800.00
1 each. Night Vision Scope.	1,500.00
1 each. Binoculars.	3000.00

NOT LISTED ON ANY SEIZURES.

BOAT EQUIPMENT.

Shackles, Deck Snaps, and Hardware. All Stainless Steel.	4000.00
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DIVE GEAR.

2. Suites, Air tanks, Weight Belts, Communications Computer, Air Pumps, Hosing, Manifolds, Com System, lines, and assessors.	100,000.00
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TOOLS.

Welder, Grinders, Cutting Torch, Wrenches, Vice, and assorted other tools.	9000.00
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2 each. Generators.	3500.00
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For a total of \$491,400.00

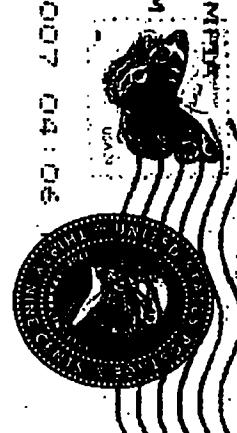
Douglas Tobin, also request that Interest on said items be issued since to Order of Return of Property on December 10, 2003, at the going Rate of 12% as the State would collect if it was Owed to the State.

10206 1/4/2008 08108

Douglas John Martin Tobin #253648
Washington Correction Center
P.O. Box 900 Cedar A-12
Shelton, WA 98584

TACOMA - OLYMPIA
WA 983
05 APR 2007 PM

INCOMING 04/06/2007 04:06



OFFICE OF RISK FINANCIAL MANAGEMENT
RISK MANAGEMENT DIVISION
300 GENERAL ADMINISTRATION BUILDING
P.O. BOX 41027 MS: 41027
Olympia, Washington 98504-1027

ENVELOPE
RECEIVED
2007 APR 9 AM 3

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